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1653

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Simons & Youhe Gao
Serial No. : 09/426,011
Filed : October 25, 1999
For : "METHOD FOR PR-39 PEPTIDE REGULATED
STIMULATION OF ANGIOGENESIS"
Examiner : Christopher S.F. Low
Group Art Unit : 1653
Attorney's Docket No. : BIS-043/CIP

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on: March 28, 2002

Attorney for Applicants: David Prashker

Signature: David Prashker

Date: March 28, 2002

REPLY TO NOTICE OF NON-COMPLIANT
AMENDMENT (37 C.F.R. 1.121)

Assistant Commissioner for Patents
U.S. Patent & Trademark Office
Washington, D.C. 20231

Dear Sir:

In response to the Notice Of Non-Compliant Amendment as mailed March 21, 2002 for the above-identified application, applicants and their undersigned attorney respectfully submit that the Legal Instruments Examiner of record, Ms. Daveina B. Williams, is in error

and is mistaken regarding the documentary contents of the previously submitted Amendment formally certified as having been mailed on January 23, 2002, but ostensibly received by the U.S. Patent Office only on February 12, 2002.

Applicants affirm and maintain that each of the allegedly missing documents [as identified in the instant Notice] was submitted as a individual and complete document; and constituted an integral portion of the papers comprising the Amendment as a whole mailed January 23, 2002. To evidence and demonstrate the accuracy and propriety of applicants' stated position, applicants enclose herewith photocopies of all the individual documents which are now said to be missing from the papers comprising Amendment as a whole.

The enclosed photocopies are:

(i) A copy of the "REPLY TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES" originally mailed January 23, 2002, in which each of the alleged missing items are explicitly identified and listed on page 2 of the document as being enclosed as part of the instant Reply.

(ii) A copy of the "AMENDMENT OF SPECIFICATION, DRAWING AND CLAIMS; AND REQUEST FOR ENTRY OF A SECOND PAPER FORM COPY OF THE SEQUENCE LISTING CONTAINING NUCLEOTIDE

SEQUENCE AND/OR AMINO ACID DISCLOSURES" originally mailed January 23, 2002, in which page 2, lines 7-13 explicitly identify the replacement amendment paragraphs and their page locations as well as provide amended paragraph replacement pages 24, 26, 28 and 46 in clean copy format; and in which page 2, lines 17-20 explicitly identify the amended language of claims 12, 13 and 14 and enclose a sheet presenting each amended claim in clean copy format.

(iii) A copy of the "MARKED UP VERSION OF AMENDED SPECIFICATION SUBMITTED PURSUANT TO 37 C.F.R. 1,121(b)" originally mailed January 23, 2002, in which marked-up versions of the amended paragraphs located at pages 24, 26, 28 and 46 of the Specification were enclosed as individual sheets.

(iv) A copy of the "MARKED UP VERSION OF AMENDED CLAIMS SUBMITTED PURSUANT TO 37 C.F.R. 1.121(c)" originally mailed January 23, 2002, in which a marked up version of the language for amended claims 12, 13, and 14 was presented.

Applicants also affirm and maintain that the originals of the enclosed photocopied documents were included as part of the Amendment as a whole submitted under a certificate of mailing on January 23, 2002; and that all the other requirements of 37 C.F.R. 1.121 were met and satisfied by the individual documents submitted


as well as by the Amendment as whole mailed January 23, 2002,
2002.

For these reasons, applicants believe that the Legal Instruments
Examiner of record is in error; and respectfully request that she
reconsider her conclusions and revoke the instant Notice of Non-
Compliant Amendment.

Respectfully submitted,

MICHAEL SIMONS
YOUHE GAO

Date: March 28, 2002
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By: 
David Prashker
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Attorney for applicants



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Serial No. : 09/426,011
Filed : October 25, 1999
For : "METHOD FOR PR-39 PEPTIDE REGULATED
STIMULATION OF ANGIOGENESIS"
Examiner : F.T. Moezie
Group Art Unit : 1653
Attorney's Docket No. : BIS-043/CIP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231
on: Jan. 23, 2002.

Attorney for Applicants: David Pashken

Signature: David Pashken

Date: Jan. 23, 2002

REPLY TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures as mailed September 4, 2001 and extended through February 4, 2002, please find enclosed the following


documents for filing on behalf of applicants and for formal entry into the above-identified application:

1. An Amendment Of Specification, Drawing And Claims; And Request For Entry Of A Second Paper Form Copy Of The Sequence Listing Containing Nucleotide Sequence And/or Amino Acid Sequence Disclosures.
2. Replacement amended paragraph pages for the Specification.
3. A substitute sheet of Drawing for Figs. 1A and 1B;
4. A sheet presenting amended language for pending claims 12, 13 and 14 in clear copy format.
5. A second paper form copy of the "Sequence Listing" to be formally entered into the original Specification of the above-identified patent application.
6. A marked-up copy of the replacement amended paragraph pages for the Specification pursuant to 37 C.F.R. 121(b).
7. A marked-up copy of the amended claims pursuant to 37 C.F.R. 121(c).
8. A second computer readable form (CRF) copy of the "Sequence Listing".
9. A Second Statement And Verification Of Substantive Identity Between The Computer Readable Form (CRF) Copy And The Paper Form Copy Of The "Sequence Listing".
10. One copy of the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures as mailed September 4, 2001.

Respectfully submitted,

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